IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

WA.No. 2444 of 2001(E)

AGAINST THE JUDGEMENT/ORDER IN OP.9204/1993 Dated 18/10/2000
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APPELLANT:

1. K.CHELLAMMA, RESIDING AT MADHAVALAYAM
   BHARANIKAVU SOUTH, PALLICKAL P.O., KAYAMKULAM

2. LEELA BALAN, W/O LATE M.B.KURUP, RESIDING AT DO DO

BY ADV. SRI.R.RAJASEKHARAN PILLAI

RESPONDENTS:

1. THE UNION OF INDIA, REP. BY THE SECRETARY
   DEPARTMENT OF PENSION AND PENSIONERS WELFARE
   SOUTH BLOCK
   NEW DELHI.

2. THE DIRECTOR GENERAL, BORDER ROADS,
   KASHMIR HOUSE, NEW DELHI

3. THE CHIEF ENGINEER, PROJECT BEACON C/O 56 APO

4. THE COMMANDER
   HEAD QUARTERS, BORDER ROAD TASK FORCE
   C/O 56 APO.

BY ADV. SRI.P.S.SREEDHARAN PILLAI, SCGSC
SRI.JAYAPRADEEP. V., ADDL.CGSC
SRI.P.PARAMESWARAN NAIR ASGI

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 13/09/2007, THE COURT ON 13/09/2007 DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.

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W.A.No.2444 OF 2001

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Dated this the 13th day of September, 2007

JUDGMENT

Radhakrishnan, J

Writ appeal is preferred by the mother and wife of deceased M.B.Kurup who was working as an Assistant Engineer under the Commander 56 RCC (FREF). He was riddled with bullets of the Kashmiri terrorist on 4.9.90. His widow and mother approached this court seeking a writ of certiorari, order or direction striking down para 9 of the O.M.No.33/5/89-P&W (K) dated 9.4.90 and also for a writ of certiorari to quash Ext.P2 and also for a writ of mandamus or other appropriate writ directing the respondents to disburse the compensation of Rs.62,538/- to the petitioners forthwith.

2. Learned Single Judge dismissed the original petition holding that if the petitioners are entitled to benefits under Workmens Compensation Act, necessarily they have to approach the machinery provided for under that Act. By communication dated 28th July 2007, an amount of

Rs.1,46,200 was granted to Smt.Sankari Amma widow of late N.Raghavan Pillai who also died in action in addition to liberalised family pension released by Govt. of India. Learned counsel for the appellant submits that petitioner would also get the same benefit.

3. Taking into consideration of all aspects of the matter, we are of the view that the appellant can approach the Defence Pension Disbursement authority, Alahabad for appropriate reliefs and the said authority shall consider the issue in accordance with law keeping in view Smt.Sankari Amma's case. (Ex GS – 148492 F PNR)

Writ appeal is disposed of as above.

K.S.RADHAKRISHNAN, JUDGE

A.K.BASHEER, JUDGE

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